

REMARKS

I. Introduction

Upon entry of the present amendment, claims 1-21, 26-49 and 52-54 will be pending in the present application. By the present amendment, the title and specification have been amended, and claim 51 has been canceled. No new matter has been added by the present amendment.

In view of the foregoing amendments and the following remarks, Applicants respectfully submit that the claims are now in condition for allowance. Applicants point out that the amendments made herein are made without prejudice to the future prosecution of such cancelled, amended or modified subject matter in a related divisional, continuation or continuation-in-part application.

II. Objections to the Specification

The specification has been objected to because the title is allegedly not descriptive, and is generic and unacceptable. The title has been herein amended such that it now reads as follows: "Apparatus and Process for Forming a Powder Coating on a Substrate Using a Fluidised Bed and Tribostatic Charging of the Powder Coating Composition."

The specification has also been objected to because the abstract allegedly does not comply with the abstract requirements for the claimed subject matter, including the method. The abstract has been herein amended, and Applicants respectfully submit that it now complies with the abstract requirements for the claimed subject matter, including the method.

Thus, Applicants respectfully submit that the objections to the specification have been overcome and should therefore be withdrawn.

III. Rejections under 35 U.S.C §§ 102 and 103

Claim 51 stands rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a), as unpatentable over: (1) US Patent No. 5,714,007 ("Pletcher et al."); and (2) US Patent No. 5,877,231 ("Biller et al."). It is respectfully submitted that these rejections should be withdrawn for at least the following reasons.

While Applicants respectfully disagree with the merits of these rejections, in order to expedite prosecution of the present application, claim 51 has been canceled herein, thereby rendering these rejections moot. Thus, Applicants respectfully submit that the rejections under 35 U.S.C. §§ 102 and 103 should therefore be withdrawn.

IV. Double Patenting Rejections

Claims 29-42, 44, 45, 47 and 48 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 49-67 of copending application number 10/534,059 (now allowed). In addition, claim 43 stands rejected under the judicially created doctrine of obviousness-type double patenting over claim 1 of US Patent No. 7,041,340.

Applicants submit herewith two terminal disclaimers filed in accordance with 37 C.F.R. § 1.321 in order to overcome the above-mentioned obviousness-type double patenting rejections. Applicants note that U.S. Patent No. 7,041,340 had been owned by International Coatings Limited. However, ownership rights in U.S. Patent No. 7,041,340 have been conveyed to Akzo Nobel Coatings International B. V., such that the present application and U.S. Patent No. 7,041,340 are each currently owned by Akzo Nobel Coatings International B. V.

Therefore, Applicants respectfully submit that the obviousness-type double patenting rejections have been overcome and should therefore be withdrawn.

V. Conclusion

It is respectfully submitted that all pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
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Attachments